

Case 1:22-cv-01118-MEM Document 54 Filed 09/29/23 Page 1 of 15  
 William Brandon Cummings,  
 Plaintiff  
 R. KRAMER, et al,  
 Defendants

Civil Action No:  
 1:22 CV 1118  
 COMPLAINT

- ① This is a civil action authorized by 42 USC 1983 to redress the deprivation, under color of state law, of rights secured by the U.S. Constitution. This court has jurisdiction under 28 USC 1331, 1343(a)(3) and 1341(b)(2), 2283 & 2284, & Rule 65 of the FRCP.
- ② Plaintiff, William Brandon Cummings, is and was at all times mentioned herein a prisoner at SCI Frackville.
- ③ The Defendants named are all being in their individual and official capacities. Each Defendant is legally and responsible for the welfare of the Plaintiff and overall operation of SCI Frackville.
- ④ The Defendants are as follows: R. KRAMER; M. ZULKOWSKI; C.O. MATAKA; S. BARRATT; C.O. RENNINGER; A. WELLES; D. CRESS; S. THOMPSON; C.O. 2 MACKAY; C.O. 2 CONQUEST; C.O. PALUSHOCK; COUNSELOR KATLE; C.O. 2 ROSSACHATY; MISTER NEWHARD, MAINTENANCE DIRECTOR; R. CRAGLE; CO 2 W. WINKRICH; C. NARADKO; CO BEATCH; CO SOLONSKY; K. BLY; P. MOSER; W. PURNELL; CO ERBE; J. MAUL; A. WALTER; M. WALTON; R. GRESS; D. DRUM; CO CLAWSON; J. GUTTIGER; CO 3 SCHREFFLER; SIENNA SMITH; DAN ZAREMBA; A. WEGRZYNOWICZ; Z. MEYER; V. BLOMMEL; B. TESTEN; J. MCCORD; D. FOULDS; T. KOPINSKI; J. TEDESLO; R. VASQUEZ; P. FERGUSON; H. POWERS; JOHN CONNOLLY; CO SCHADE; A. SADLER; D. WARREN; CO WHITNEY; TRACY WILLIAMS; CHRIS SCHULTZ; T. NAJDA; CO GREGORY; CO MEREDITH; CHAD YORDY; J. PURCELL; B. MCMULLIN; CO BAEZ; P. O'BOYLE; J. STORM; CO FISHER; J. KIMMEL; C. LOSER; J. SMOLKE; ~~BOB BRAZUNSKI~~; C.J. WARFORD; C.D. WARFORD; R. MORRIS; CO KENTON; CO ERDMAN; SHAWN WIGGINS; K. CROSS; MARY CANINO; C. MCKEOWN; J. DUPONT; C. COLLINS; DAVIS HEARING EXAMINERS WALTERS/WATERS; L. BARR; Z. MO-SLAX; CO 2 REED; CO STANKAVIAGE; J. JAY; CO DELBO; T. MASON, Psychia-tric; CO HAYLE; P. WEIDERHOLD; A. BRENNAN; CO 2 PRICE; CO LUCAS; CO 2 APPELEGATE; S. EILBERGER; R. MOTTO

T. RYAN; DANIEL HUGHES; R. LYNN; CO MEYERS; CO GORNALL; CO2 CHEHOVICH; CO ENG-  
 LISH; A. COOK; W. KNAPPENBERGER; CO HEFFELFINGER; C. A. TROUTMAN, SGT; M. PETERS;  
 C. MONTROYA; CO2 KODACK; S. ALLEN; CO2 BRUTTS; CO CHANDLER; E. JAMISON; CO  
 HOLZMAN; CO MCPHEAK; K. REIDER; CO MANTZ; CO LUKSH; CO LAWRENCE; CO3 CILLO;  
 R. MANBECK; CO2 SCARPETTI; CO BOYER; CO KUFRO; CO KUFRO; CO RENO; CO RENO, JR;  
 Z. KRATNIK; CO3 EIDEM; M. WERT; U.M. WEISINGER; STEVE POLIFKA; MISTER  
 JONES, MAINTENANCE; J. EVANS; CO CORKY; J. CARTER; K. HANSELL; CO DEVER; J.  
 SCHICKRAM; CO3 RAMER; D. MAUL; S. DONAHUE; CO OTERO; M. DELPAIS; A. STAHLER;  
 NURSE KATHY; NURSE CRYSTAL; R. DYER; R. CAMACHO; P. PILAI; DAN HONTZ; J.  
 SIMPSON; J. FRANTZ; CO KOZICH; S. DELPAIS; N. FORTE; CO3 TAYLOR; CO ISAAC;  
 CO WERNER; T. BRANDON; CFSI VAEKLER; CFSI CLEWS; CO BROBST; CO BLANK;  
 B. LAWTON; CO BRILUA; CO MINICH; D. MCCOY; N. WEIKEL; B. CRESS; CO JOHN-  
 SON; CO HENNINGSEN; CO GRIFFITHS; S. KENNEDY; L. BOWSER; Z. MOSLAK

### Religious Freedom & Restoration Act Violations

- ⑤ The RFFA prohibits the government (government officials included), from substantially burdening a person's exercise of religion, 42 USC ss 2000bb-1 (a), also see *Mack v. Loretto*, 839 F.3d 468, (3d. Cir 2016).
- ⑥ With this ~~maned~~ in mind, the officials at SCI-Frackville made it virtually impossible for the Plaintiff to pray his Moorish Science Temple of America prayer at all in his cell on A, B, C, or E block at SCI-Frackville because of the constant unending harassment by them, the prison officials.
- ⑦ It became so bad, it literally became a burden to stand and recite his prayer, and concentrate while doing the prayer.
- ⑧ As the Plaintiff recorded all of or most of the harassment and death threats, he just stopped pray altogether. These issues were presented to the prison officials using the grievance system and

since that time, as the complaint will show, the Plaintiff has been threatened and per the PLRA, if the Plaintiff is in imminent danger exhaustion will be excused, this is shown below. Plaintiff was constantly intimidated for each claim in this complaint, from beginning to end, from first to last, in each section in this complaint. Plaintiff has exhausted each claim in this complaint.

⑨ See *Harris v. Armstrong*, 149 F.Appx. 58, 59 (3d Cir 2005); *Ross v. Blake*, 578 US 632; *Rinaldi v. U.S.*, 904 F.3d 257, 267 (3d Cir 2018) for exception to exhaustion.

⑩ Because of the following statements by these Defendants it was and is impossible for Plaintiff to pray:

⑪ On 6/16/22 S. Barratta while on A-block B-wing screams outside Plaintiff's cell "I Fuck Zoey (my daughter's name, you sue like a pussy, we killed you, snitch, I kill you."

⑫ On 6/19/22 into 6/20/22 Renninger on 3rd shift while on A-block B-wing screams outside Plaintiff's cell "you when nut (ejaculate) uh, we own you"

⑬ On 6/20/22 MATAKA while on A-block B-wing screams outside Plaintiff's cell, we own you, you sue pussy, leave, snitch, we kill you. Please notice the pat cliché statement, they all say basically the same things. This is obviously a pattern and campaign of harassment, and they conspire to make me stop praying.

⑭ On 6/20/22 Weller while on A-block B-wing screams outside Plaintiff's cell, we down you, leave, snitch, you stroke your dick.

⑮ On 6/20/22 into 6/21/22 Renninger on 3rd shift while on A-block B-wing screams outside Plaintiff's cell, you nut (ejaculated) uh

⑯ On 6/21/22 while on A-block B-wing screams outside Plaintiff's cell, Weller, snitch. ⑰ On 6/21/22 D. Cress while on A-block B-wing screams outside Plaintiff's cell, you snitch, leave, we own you, I kill you. ⑱ ~~6/21/~~ On 6/21/22 Thompson while on A-block B-wing screams outside Plaintiff's cell, we own you, leave, snitch, you sue pussy. ⑲ On 6/21/22 MACKAY while on A-block B-wing screams outside Plaintiff's cell, you challenge us, we own you, leave, snitch. In approximately October 2022, MACKAY was arrested for trying to have sex with a minor in a string by police on-line. He always talked about having sex

with my underage daughters since 2018, when they were only 12 and 14! He's since been fired. (20) On 6/21/22 KALCE while on A-block B-wing screams outside Plaintiff's cell, you mailed 'And', we burned you. I'd mailed grievance and legal mail on this day, none of which returned as is the theme at Frackville. (21) On 6/21/22 CONQUEST while on A-block B-wing screams outside Plaintiff's cell, you die. (22) On 6/21/22 Palushock while on A-block B-wing screams outside Plaintiff's cell, you dying. (23) On 6/21/22 Renninger into 6/22/22 on 3rd shift while on A-block B-wing screams outside Plaintiff's cell, you sue pussy, nigger, we don't care you keep suing, you sue 'And'. (24) On 6/22/22 Mackey while on A-block B-wing screams outside Plaintiff's cell, we own you, leave, snitch. (25) On 6/22/22 CRAGLE while on A-block B-wing screams outside Plaintiff's cell, we own you, leave, you milk your dick ("milk" meaning get the excess urine out of your penis after urinating, this is an Islamic command, I must do this, but Cragle made it a point of attack and it became a burden to do, so I just stopped. He's evil as well as are the others who scream this). (26) On 6/22/22 KALCE while on A-block B-wing screams outside Plaintiff's cell, you loss, we push you, you sue 'And', they burned you, you grieving (filing grievance) And (and meaning so what), nigger she killed you, she was jealous, I want to suck your dick, ~~she~~ (27) On 6/22/22 Conquest while on A-block B-wing screams outside Plaintiff's cell, I kill you Brandon, we broke you. (28) On 6/22/22 ZULKOWSKI while on A-block B-wing screams outside Plaintiff's cell, snitch, we own you, I'll write you up and lie (a "write up" is a misconduct report, and he did lie on 3 misconducts after this statement). (29) On 6/23/22 <sup>ROSSOCHACHY</sup> while on A-block B-wing screams outside Plaintiff's cell, I hate you, we own you, you Fuck Brandee (my daughter, who has special needs), leave, snitch. (30) On 6/23/22 MACKET while on A-block B-wing screams outside Plaintiff's cell, I own you. (31) On 6/24/22 ZULKOWSKI while on A-block B-wing screams outside Plaintiff's cell, I broke you, leave, snitch. (32) On 6/24/22 Cragle while on A-block B-wing screams outside Plaintiff's cell, we push you, snitch, you milk your dick. (33) On 6/25/22 WINRIK while on A-block B-wing screams outside Plaintiff's cell, we broke you, you challenge, we push you. (34) On 6/26/22 WINRIK while on A-block B-wing screams outside Plaintiff's cell, you when ~~that~~ little (meaning I'll receive a false misconduct and go to solitary, where they'll starve me), we push you. (35) On 6/26/22 Weller we push you, you milk your dick.

- 36) On 6/27/22 Beach while on A-block B-wing screams outside Plaintiff's cell, we push you, you milk your dick. 37) On 6/28/22 Mackey while on A-block B-wing screams outside Plaintiff's cell, we push you, leave, snitch, you milk your dick. 38) On 6/30/22 Price while on A-block B-wing screams outside Plaintiff's cell, you sue pussy, you milk your dick, I will you. 39) On 6/29/22 Price while on A-block B-wing screams outside Plaintiff's cell, we push you, d you dying, I kill you, you're leaving nigger. 40) On 7/1/22 WALTER while on A-block B-wing screams outside Plaintiff's cell, you sue Failed, we push you, I burned you, I want to suck your dick, leave, snitch, you need money, you look sexy, I ride your dick, you milk uh. 41) On 4/23/22 KALCE, MACKET, BLOMMEL, SABLEK while on A-block B-wing screams outside Plaintiff's cell, each scream, snitch, leave, we kill you, we Fuck Brandee, we torture you, we own you, we bully you, you sue like a pussy, we love to push you, you not pussy, we purposely anger you, Weller scream this as well. 42) On 4/22/22 Weller while on A-block B-wing screams outside Plaintiff's cell, you in Brandee, you'll be moving, we end Cummings, snitch, leave. 43) On 4/24/22 LOSER, MORRIS, HEFFELFINGER while on A-block B-wing each scream outside Plaintiff's cell, you milk your dick, we own you, I kill you. 44) On 4/27/22 LAWrence Blommel each scream <sup>on AB</sup> while outside Plaintiff's cell, you milk your dick, we killed you. we bully you, I suck dick. 45) On 4/28/22 BLOMMEL, POLIFKA, KALCE, POWERS, each scream while on A-block B-wing outside Plaintiff's cell, we torture, we anger you, you sued because bitter nigger, we move you like last time and lie in the write up (Blommel has lied on several misconducts against me, this is the admission for them all), leave I don't care if you work out, we kill you, we warned you, you fear us, you challenge, we broke you, you fail when you workout in your cell, stop working out, you'll cum (ejaculate) uh, we angered. 46) On 4/24/22 Thompson Blommel while on A-block B-wing each scream outside Plaintiff's cell, I lied in your misconduct I wrote, you milk your dick. 47) On 4/30/22 Meyer, Thompson, Renninger while on A-block B-wing each scream outside Plaintiff's cell, you ~~shave~~ shave aint, I yell all day, Fuck your notes, we clowned you, we end your life, we bully you, we evil you, we enjoy you, we'll evil end your life, I hate you, leave, we bully you, we <sup>own</sup> ~~bully~~ you, Fuck you and your notes, we freak you, we torture you, we'll get you sliced up, we ruin you. 48) On 5/1/22 REED while on A-block B-wing each screams outside Plaintiff's cell at 9 am,

me and Weisinger made \$Baez steal your trial transcripts for your homicide case. we ruined you, leave, nigger, we own you. REED in 2019 stole my trial transcripts for my state criminal homicide case, Commonwealth v. Cummings, 43-06, in the Court of Common Pleas of Delaware County, PA. The trial transcripts do not exist any longer, where the hearing medical Examiner, Frederic Hellman, testified to a toxicology report he did not do. Reed and Baez and Weisinger stole these transcripts. I no longer have a copy of them, nor do the Delaware County D.A. or Delaware County Courthouse. they ruined my life. Later on this day Reed tells me, "Delaware County sent us, you're never getting that claim in court now, and Judge Jenkins still doesn't have her oath of office, she didn't then in 2006, and doesn't now. We kill you, soon." Some one in Delaware County sent these staffers to sabotage my state care. (49) On 5/13/22 REED then brags about how they'd won and Weisinger denied my grievance, and I appealed it but, it never was returned, by stating "we killed that grievance, and you won't be getting it back. I killed you." this was on A-block B-wing at approximately 830am. (50) On 5/12/22 KENNEDY while on A-block B-wing screams while outside Plaintiff's cell, Sorry I lied in those write ups against, I hate you, all of my misconduct were lies against you, leave. On 5/17/22 REED, ~~MOSER~~ while on A-block B-wing screams outside Plaintiff's cell, what are you going to do about us stealing your transcripts I brag uh. (51) On 5/17/22 MOSER while on A-block B-wing screams outside Plaintiff's cell, doesn't matter how many grievance you file I deny them all you know that, leave. True to his word he'd denied everyone then he states, I don't care if you prove them or not I order them all to torture you, snitch. (52) On 5/19/22 Beach, Meyers, REIDER, while on A-block B-wing screams outside Plaintiff's cell, You'll never pray again nigger, we own you, leave. then REIDER screams only on this day, "you haven't prayed in years and won't without hearing us, leave." He's insane and evil, REIDER.

#### 1st, 14th and 8th Amendment Violations

(63) On 11/21/23, GRIFFITHS refused to call the psychiatric nurse or the medical dept. when Plaintiff told him, Griffiths, Plaintiff had a severe mental health



Crisis and Griffiths was the closest staff member. Plaintiff told Griffiths he was feeling suicidal and Griffiths stated, "Kill yourself do us all a favor." Griffiths refused to get the KNU PREA hand held video camera. Plaintiff was in E-A-1005.

(54) On 11/21/23, Griffiths refused to call the medical dept. when Plaintiff told him, Griffiths, he's drank too much of the water coming from the sink, it was brown with mold in it, cell E-A-1005. Plaintiff became sick and vomitted, had instant diarrhea, and Griffiths laughs and states, "Kill yourself do us all a favor."

(55) On 10/19/22, while being escorted to medical Plaintiff was placed in handcuffs that were extremely tight by TEDESCO. Plaintiff told him this, then TEDESCO began digging his fingers in Plaintiff's left bicep in response and pulling Plaintiff's left shoulder out of socket, to be sadistic. All on video camera, Plaintiff requested this video be preserved. Plaintiff was leaving A-block.

(56) On 10/19/22, while being escorted to medical, JAY, saw TEDESCO pulling my shoulder hard and decided to jump on my right shoulder and yank it hard as well, pulling it out of socket. To be sadistic, causing extreme pain. Plaintiff requested video be preserved.

(57) On 10/19/22, while being held by TEDESCO and JAY, RAMER orders these two to walk Plaintiff through uneven grass, so as to cause Plaintiff as much pain as possible, when there is perfectly paved paths that were even. Plaintiff then walks to the bottom of the grass/yard and there's <sup>a</sup> decline Plaintiff has to walk down, that's extremely steep. JAY and TEDESCO are purposely jerking Plaintiff's shoulders out of socket causing extreme pain and resulting in huge stretch marks on Plaintiff's left shoulder. Plaintiff requested video preserved.

(58) On 10/19/22, while in medical, JAY, purposely stomps on Plaintiff's right achilles and causes extreme pain to rip through it and Plaintiff falls after one step. And out of nowhere RESCENDES comes up and rams Plaintiff's head into his chest, by pressing down on the back of his head, hyper-extending Plaintiff's neck. Plaintiff felt an extremely sharp pain all through his neck, spine and back. RESCENDES is a body builder, he did it to be sadistic. Plaintiff requested video preserved.

- (59) On 10/19/22 Plaintiff was taken to the BMU strip cage, where he was checked by STAHLEK and cleared to go to the strip cage and get strip searched, not caring Plaintiff was in extreme pain and couldn't put any weight on his achilles. This caused Plaintiff extreme pain as well, Plaintiff was in pain the whole walk to the strip cage, trying to comply with the officers' orders. Stahler's failure to intervene caused Plaintiff unnecessary pain and nerve damage to his entire body. Plaintiff requested this incident's video to be preserved.
- (60) On 10/19/22 Plaintiff was sprayed with OC spray in a strip cage, while totally naked, by SMOCKE, ordered to do so by RAMER. Plaintiff was in a mental health crisis, not a danger to anyone, but RAMER orders SMOCKE to spray Plaintiff, for no reason, unnecessarily, but only to be sadistic. Plaintiff couldn't get up after turning the wrong way in the strip cage and Plaintiff told RAMER, I don't want SMOCKE strip searching me, because Plaintiff couldn't do all the commands. Plaintiff requested the video for this be preserved. This all done to be sadistic, admitted RAMER & SMOCKE.
- (61) On 10/19/22 while in the cage, Plaintiff went down to his rear end, because he could not put any weight on his achilles, as soon as he'd sat down, RAMER ordered SMOCKE to spray Plaintiff, twice, then once the OC spray was used, the cage was opened and Plaintiff was knocked unconscious with an electric shield, hit directly in the face and head by RESCENDES, who was pushed by STORM, BARATTA, SMOCKE. Plaintiff requested the video preserved. This all done to be sadistic admitted by the Defendants.
- (62) On 10/19/22 Plaintiff was then placed in the prone position and once he woke up, began screaming, because he didn't know what happened, Plaintiff felt hands all over his rear end and anus area. Plaintiff was then shackled by Baratta, the shackles cutting into his already injured right achilles, purposely done by Baratta, causing a white hot pain, leaving scars to this day. This caused stretch marks on Plaintiff's hips & pelvis. Pictures were taken by Stahler. Plaintiff requested video be preserved. This done to be sadistic.
- (63) On 10/19/22 Plaintiff was refused a shower to rinse off the OC spray by RAMER, who on video stated, "we'll give you something to clean it off" or something like this. Plaintiff received nothing. Plaintiff's eyes, throat, penis, testicles, rectum,



nose, entire body was burning for days from this. All done purposely to be sadistic.

⑥4 Plaintiff hasn't been taken to an outside hospital as is the protocol and still has blackouts, dizziness, and extreme aches from being knocked out by PFSCENDES. No one has done a follow up on Plaintiff's achilles, shoulders, back injuries, all of which still hurt and are painful constantly. Plaintiff requests an outside provider do a CAT scan, CT scan, and MRI to make sure no nerve damage is done on his whole body. And all the stretch marks removed. This is an injunction request.

⑥5 On 11/1/22, while being escorted back from a misconduct hearing, COZ WARFORD, doubled Plaintiff over, re-injuring Plaintiff's back, and right shoulder, after Plaintiff asks him, Warford, to get on Plaintiff's left shoulder, the right was in worse shape. Warford, immediately punched Plaintiff in the face and spit in Plaintiff's face while berating him. Plaintiff called a cop on the wall where COZ OZLANSKY helps pick Plaintiff up. When Warford punched Plaintiff in the face, he hit my jaw, and re-aligning my teeth, making them uneven. Plaintiff requests dental implants to make his teeth appear even. Plaintiff requested the video of this incident be preserved.

⑥6 In approximately October 2022, RAMER denies Plaintiff's grievance number 1000612, where RAMER states Plaintiff and he had a conversation about that grievance, and Plaintiff admitted something, when in fact, Plaintiff never had a conversation with RAMER about the grievance. Plaintiff is on a standing order that all interactions with staff must be recorded, and no video exists of RAMER and Plaintiff having a conversation about this grievance. RAMER lied and used that lie to deny this grievance, which violates the 1st and 14th Amendment.

⑥7 On 10/14/22 Bowser refused Plaintiff a secure blanket, per DC-ADM 13.8.1, after being admitted into the BMU, where Plaintiff was extremely cold with bruises, ripped skin, OC spray, no water, living in misery and feeling that way. Plaintiff told each defendant in paragraph 4, and not one defendant got Plaintiff a blanket but laughed and ignored him. This lasted for 2 days while Plaintiff suffered the 8th Amendment violation.

⑥8 These defendants all are aware of the practice and policy of filing false

misconducts against the Plaintiff as COZ MACKAY did on 7/25/22. This misconduct was approved by to be used in a misconduct by hearing by PURNELL, who in fact is the supervisor of MACKAY. PURNELL, who had actual knowledge, that the misconduct was false approved it. He turned a blind eye to this as he's done to dozens of misconducts he's approved. See misconduct D719011, attached.

(69) WELLER spit in Plaintiff's face on 7/25/22 at approx. 739am on A-block after lying saying he'd say Plaintiff kick the door.

(70) Defendants MOSER, PURNELL, and BLY approve misconducts from 2018 to recent 2023 without investigating them, not following any due process or properly investigating the misconducts per DC-ADM 801. This is practice and policy of these Defendants, knowing Plaintiff is on the mental health roster active status and a C-stability code and purposely send Plaintiff to pre-hearing confinement in violation of due process. No other alternative was used except the RTHU. These defendants would even tell Plaintiff they'd approve any misconduct against Plaintiff because, "we hate you." This has been the policy for Plaintiff, the "we hate you" approval of misconducts.

(71) In approximately November 2023, <sup>ELLENBERGER</sup> ~~GOLMAN~~ at a misconduct hearing made the operators of the RTHU PRA hand held video camera, turn the camera off so as to cover up the due process violation of the hearing. But at another hearing in November 2023, <sup>ELLENBERGER</sup> ~~GOLMAN~~ tells inmate white, that the hearing white was having was being video recorded. This is not equal protection of the law and a due process violation. INMATE WHITE is DOC NO. KD4032. Plaintiff's misconducts were D775869 & D718877.

(72) On 7/25/22 TRAUTMAN steps on Plaintiff's achilles (left achilles), on video camera, going to the medical department. This was done to try to intimidate Plaintiff, and make him stop filing lawsuits, and to stop him from utilizing medical. TRAUTMAN told Plaintiff this several times.

(73) By TRAUTMAN stepping on Plaintiff's left achilles twice, with <sup>steel</sup> ~~steel~~ toe boots, caused Plaintiff to feel extreme pain shoot through his whole ankle and achilles. Plaintiff reported this to DONAHUE and no one from medical came to see Plaintiff about this injury. Plaintiff had to suffer in pain for 2 days until he'd had to fill out a sick call slip and was ordered motrin. Pictures were taken on approximately 7/27/22, but the bruises faded by then, it was a cover up.

- 74) On 7/25/22 Plaintiff received a false misconduct by MOTTOY and Plaintiff never received a pen while in solitary confinement by the Defendants in paragraph 4 when asked and this practice is known by WĘGRZYŃSKI and PURNELL. Plaintiff asked these defendants for a pen because the inmate witness form is to be submitted by 9am the very next day, which is 7/26/22. Plaintiff did not receive in time, purposely done to violate Plaintiff's rights. This violates misconduct number is D719011.
- 75) KENTON is responsible for the witness form and inmate version being at the hearing but failed to have them at the hearing. WĘGRZYŃSKI and PURNELL are as well. This was all done purposely to sabotage the hearing.
- 76) Plaintiff From 2007 to 2023 has never had a misconduct hearing per due process and the Wolf v. McDonnell, 418 US 539 (1974) rights therein. Has been found guilty of almost 100 misconducts, and this created an atypical and significant hardship by sending Plaintiff to solitary and losing phone call privileges, only being able to shower 3 times per week, only getting 5 recreation yards Monday to Friday, being strip searched every time he leaves his cell. In general population this doesn't happen. Cell restriction is restrictive as well, same exact lost privileges as in the solitary confinement area. MOSLAK knows this but still keeps these misconduct on Plaintiff's prison record. Plaintiff request \$350 dollars for each day he's spent on DC time and cell restriction, and the misconduct expunged.
- 77) Gutierrez on 7/25/22 was told by Plaintiff there was bugs, spiders, and ants on the food slot and Gutierrez ignores Plaintiff, still put the food therein and Plaintiff was forced to take the food. The insects were all in the cell of B-block, 24 cell, B-side. MOTTO was told too, and did not help, only ignored.
- 78) KENTON was even told about the papers on 7/28/22, where he said, "Damn right we burned you. You get no witnesses!" KENTON filled out the cell restriction form. See Exh. 1. Exh. 2 the witness form, incomplete. Exh. 3 False misconduct.
- 79) In March 2022, approximately the 24th, Plaintiff was refused a new mattress by CO LAWTON. The mattress Plaintiff had had green and black

mold on it. It smelled like mildew and it caused Plaintiff to develop puss bumps all over his body. Plaintiff told LAWTON, KRAMER, GUTIERREZ, BLY, VASQUEZ, CARTER, BRANDON about this mattress and they all ignored Plaintiff and refused to provide adequate bedding as well. Plaintiff became sick vomiting constantly from the smell and the bumps caused scarring on his entire body. The cell Plaintiff was in, CA 29, also smelled of mildew, had brown water in the toilet and coming from the sink, Plaintiff was forced to drink as well. Causing him to have constant diarrhea for days at a time. A Newhard, PURNELL, JONES, ROSHANDIN<sup>MOSE</sup> were all told by Plaintiff about these conditions, but all refused to do anything but tell Plaintiff things like, "this aint the HOJO or the 4 seasons", "quit your belly aching", "just leave!" The black mold is in the air vents as well and unclean vents caused dust to blow from the vents, resulting in Plaintiff developing a severe cough, nose bleed, head ~~aches~~ aches. Plaintiff was ignored by medical when he'd submit sick calls as well. Plaintiff wants plastic surgery to remove marks

⑧ Defendants WEGRZYNOWICZ, RAMER, CRESS, KNAPPENBERGER, S. DELPAIS, BOWSER, STAHLER, KATHY, DONAHUE, YORBY, SMITH, ZAKEMBA all failed to intervene when Plaintiff in approximately October 2021 thru December 2021 tried to remove his brain by ripping out his scalp open in front of each of them prior to telling them he'd do it, leaving huge ~~scar~~ scars on Plaintiff's scalp; break his neck by slamming his face into the door, knocking his jaw in, causing his teeth to be uneven as well as by jumping off the desk slamming his face into the wall, this causing huge scars on the left side corner of Plaintiff's mouth. They'd all just look and laugh or just walk away. They'd refused to stop me or get the PRAA video camera

⑨ Plaintiff requests to have dental implants put in to even his teeth; plastic surgery to done to remove the scars on his mouth and his scalp, all done by an outside ~~provided~~ provider. This is the injunction requested.

- 82) Plaintiff has had cable at Frackville and in the DOC since his sentence. Plaintiff now knows that the cable service is being paid for by the DOC inmates who have cable and by the Inmate General Inmate Welfare Fund. The GIWF pays for the equipment and the service, but the inmates pay for it as well, individually to the cable service provider. If the GIWF is paying, why is the Plaintiff still paying for cable? Isn't this a double payment to the DOC or cable service? Plaintiff wants all his money refunded from 2007 til 2023. The Defendants in
- 83) ~~Plaintiff has to pay for cable service~~ paragraph 4 are all responsible for this violation. They all know this, have actual and factual knowledge or supervisors of the prison but still continue to steal the money. They conspire.
- 83) Plaintiff has to pay for cable service when the cable goes out at Frackville, which is often. There are supposed to be approximately 50 channels, but for weeks at a time, you only receive half, if that. Plaintiff is paying for services not rendered. Plaintiff requests an injunction ordering whenever cable goes out at any DOC facility, inmates get a full refund automatically. Plaintiff also requests an injunction stating Plaintiff is to have free cable for the duration of his stay in the DOC.
- 84) Defendants WEGRZYNOWICZ; RAMER; MOTT; PURNELL; BLY; MOSER; WALTER; ROSSOCHACHY; KNAPPENBERGER; PELPAIS; S. J. R. CROSS; STAHLER; KATHY; YORDY; And ZAREMBA failed to follow up on the lump on Plaintiff's left rib cage, that may be cancerous, and hurts to the touch. Plaintiff actually has several all on his stomach, got an ultrasound but no follow up. Plaintiff is in extreme pain daily from the lumps and no one is helping. The ultrasound was done in April 2022. Plaintiff requests the lumps be removed and have them analyzed for cancer, by an outside provider.
- 85) Plaintiff has a foreign object in his right middle finger, that hurts constantly and the p. defendants in paragraph 84 refused to remove it. Plaintiff is right handed and it hurts every time he writes. This is why he sometimes writes sloppy to this honorable court. Plaintiff requests an injunction ordering the object be removed.
- 86) Defendants BOWSER, SMITH, HANSELL, DONAHUE, all refused to admit Plaintiff to the BMU/DOC when in a mental health crisis from October 2022 to October 2023.



thru MARCH 2023, when he's been experiencing them. Plaintiff is active on the mental health roster, and psychological services refused to put him on ~~that~~ ~~status of suicidal watch~~. Plaintiff in the POC, on the constant watch, per OC-ADM 13.8.1 policy. They'd all tell Plaintiff he's lying and "nothing is wrong," when Plaintiff would tell them he's suffering. Plaintiff just stopped telling them and suffered in silence, because they "don't want to hear it." This is their pat cliché.

(87) On 11/18/22, R. Cress, answers a request slip, dated 10/25/22, Exh. 4, sent to the medical dept. at Frackville. Plaintiff requested he be given a COVID 19 booster shot as well as a Flu shot.

(88) In response, R. Cress lies and states in the request he'd offer & offered Plaintiff the shot, but Plaintiff refused and Plaintiff "would not take it."

(89) R. Cress clearly lied because Plaintiff was on a standing order stating all interactions between Plaintiff and staff must be video and audio recorded and on the day in question, Cress never said anything regarding that booster on video, RTU HAND HELD PREA VIDEO. CRESS lied. Plaintiff caught COVID on or about 11/6/22 thru 11/10/22 and had the following symptoms: loss of hair, taste, and smell; coughing fits, extreme weakness; and extreme body aches, while in the RTU, E-block.

(90) On or about 12/3/22, Cress stated, while on E-block, where Plaintiff was housed, "Cummings, I knew you had COVID, I purposely lied and didn't give you the shot! Die, nigger!"

(91) Plaintiff request an injunction ordering CRESS to provide Plaintiff with hair restoration, hair plugs and a hair transplant, because of his deliberate indifference.

(92) **CONCLUSION**  
Plaintiff reallegor and incorporates by reference paragraphs 1 thru 92, that the Defendants violated Plaintiff's 1st, 8th, and 14th Amendment rights to the U.S. Constitution, which in fact cause Plaintiff: Fear, mental anguish and misery. The threats have no justified



penalological interests, its bullying. The above stated threats are clearly exception to the PLRA exhaustion requirements, Plaintiff's life is in imminent danger. Plaintiff has exhausted his available remedies. On 5/14/23, CO2 DIPASQUALE and CO BRUNST threaten to kill Plaintiff while at SCH FAYETTE. THEY BOTH STATE "CUMMINGS we'll kill you!" Each saying it over the intercom. Plaintiff filed grievance and appealed them all to no avail and the grievance on each claim in this complaint was never responded to nor returned, same for the Misconducts from 2007 to 2023.

(93) Wherefore Plaintiff respectfully prays this court enter judgment granting Plaintiff: a trial by jury; compensatory and punitive damages in the amount a jury deems appropriate; the injunctions requested in this complaint and an emergency hearing for them as well as the one this court received a few weeks ago.

(94) This document is made pursuant to the penalties of perjury

DATE: 5/14/23

Respectfully Submitted,



50 OVERLOOK DRIVE  
Labelle, PA 15450